SUMMARY REPORT OF INVESTIGATION¹

Date/Time/Location of Incident:	December 28, 2016, 1:15-1:30 a.m.,
	, Chicago, Illinois
Date/Time of COPA Notification:	January 1, 2017, 9:01 p.m.
Involved Officer #1:	, star # employee ID#
	Date of Appointment: , 1999, PO, Unit ,
	DOB: 1969, Male, Hispanic
Involved Officer #2:	, star # employee ID# ,
	Date of Appointment: 2016, PO, Unit 2016,
	DOB:, 1991, Female, Asian Pacific Islander
Involved Individual #1:	, DOB: 1992, Agender,
	White
Involved Individual #2:	, DOB: January 1, 1990, Female, White
Involved Individual #3:	, DOB: July 23, 1987, Female, White
Case Type:	Excessive Force – Injury

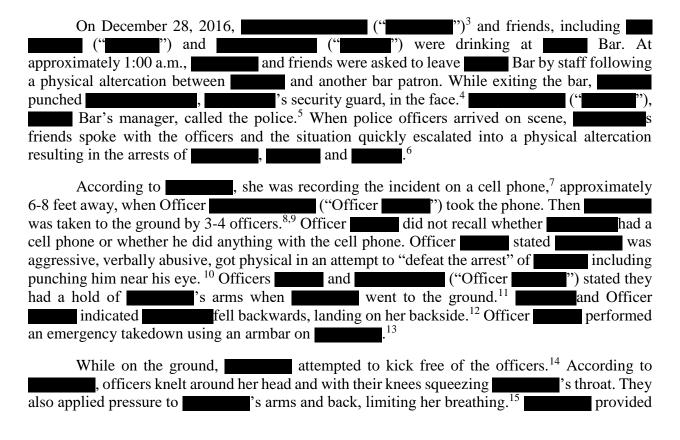
I. ALLEGATIONS

Officer	Allegation	Finding
Officer	It is alleged that on December 28, 2016, in the vicinity of, at approximately 1:38 a.m., you:	
	1. took to the ground without justification;	Not Sustained
	2. used knees to restrict airway; 's	Not Sustained
	3. applied unnecessary pressure to same and back; and	Not Sustained
	4. failed to inventory''s black tote bag and its contents.	Not Sustained
Officer	It is alleged that on December 28, 2016, in the vicinity of, at approximately 1:38 a.m., you: 1. used knees to restrict, 's airway; and	Not Sustained

¹ On September 15, 2017, the Civilian Office of Police Accountability (COPA) replaced the Independent Police Review Authority (IPRA) as the civilian oversight agency of the Chicago Police Department. Therefore, this investigation, which began under IPRA, was transferred to COPA on September 15, 2017, and the recommendation(s) set forth herein are the recommendation(s) of COPA.

	2. applied unnecessary pressure to same arm and back	Not Sustained
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II. SUMMARY OF EVIDENCE²



²COPA conducted a full and complete investigation of this matter, including the interview of all pertinent civilian and officer witnesses, and the collection and review of digital, documentary, and forensic evidence. As part of COPA's ongoing efforts to increase case closure capacity, certain cases opened under IPRA are summarized more succinctly in a Modified Summary Report of Investigation, pursuant to COPA Guideline Modified Summary Report of Investigation Template and Approvals, effective February 13, 2019.

⁴ Attachments 4,5,8, 10, 17, 36, 39.

⁵ Attachment 26.

⁶ Attachments 4,5,8, 10, 14, 17-21, 26, 36, 38, 39, 44.

⁷ stated when the cell phone was returned the video of the incident had been deleted. See Attachment

⁸ COPA identified Officer and Officer and Officer

⁹ Attachments 4, 5, 8, 14.

officer stated the punch caused his eye to bleed days later causing him to seek medical attention. Attachment 38. COPA subpoenaed the Chicago Police Department ("CPD") for Officer is medical records stemming from this incident. CPD responded there was no Injury on Duty report for Officer on December 28, 2016. See Attachment 48.

¹¹ Attachments 38, 44.

¹² Attachments 28, 38.

¹³ Attachments 15, 19, 39.

¹⁴ Attachments 4, 5, 8, 14.

¹⁵ Attachments 4, 5, 8, 14.

medical records and photographs representing injuries incurred during the struggle. Officers
and admitted they were kneeling next to but denied being near or
squeezing squeezing 's throat. Neither officer could remember specific actions they took to control
. Both officers indicated was actively resisting arrest, belligerent, and
verbally abusive, during the incident and that police response was proportional. ¹⁷ Officer
stated he and Officer flipped over. Officer stated he did not want to
hurt and if he had mirrored 's force then his force would have been
excessive. Department Reports, including shot, do not document any type of
injury to or complaints of any injury by Officer Soffice Battery
Report documented he received minor injury. ¹⁸
, and were transported to District 019 Police Station and
processed. alleged her personal items were taken that night and not returned.
indicated some of the items were found in and and 's belongings, but is
still missing a canvass tote, 2 jackets, keys and various personal items. Officer stated it
was a chaotic scene, and he does not recall what items possessed. Officer stated
he inventoried everything he recovered.

III. LEGAL STANDARD

For each Allegation COPA must make one of the following findings:

- 1. <u>Sustained</u> where it is determined the allegation is supported by a preponderance of the evidence;
- 2. <u>Not Sustained</u> where it is determined there is insufficient evidence to prove the allegations by a preponderance of the evidence;
- 3. <u>Unfounded</u> where it is determined by clear and convincing evidence that an allegation is false or not factual; or
- 4. <u>Exonerated</u> where it is determined by clear and convincing evidence that the conduct described in the allegation occurred, but it is lawful and proper.

A **preponderance of evidence** can be described as evidence indicating that it is **more likely than not** that the conduct occurred and violated Department policy. *See Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005), (a proposition is proved by a preponderance of the evidence when it has found to be more probably true than not). If the evidence gathered in an investigation establishes that it is more likely that the misconduct occurred, even if by a narrow margin, then the preponderance of the evidence standard is met.

Clear and convincing evidence is a higher standard than a preponderance of the evidence but lower than the "beyond-a-reasonable doubt" standard required to convict a person of a criminal

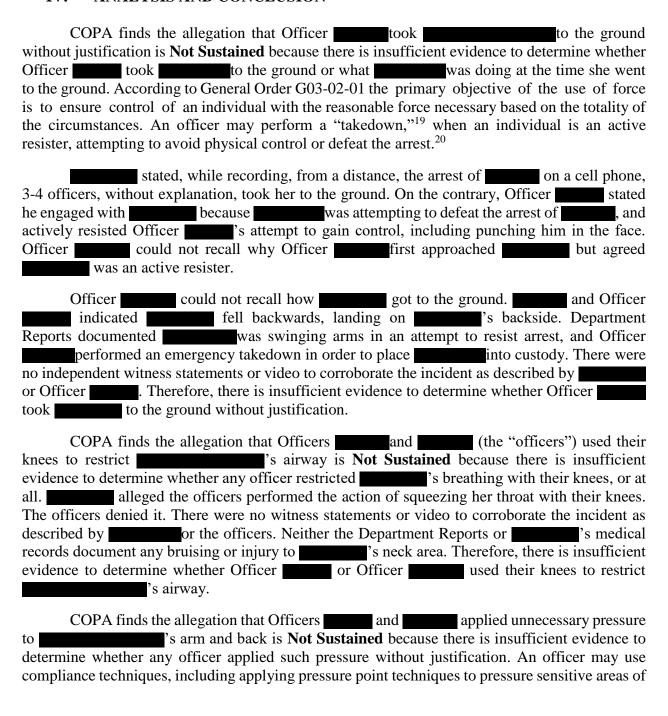
¹⁶ Attachments 13, 14. Medical records indicate bruising to the left side of the face, shoulder, elbow and wrist; abrasion on the left shoulder, and a small bruise on the right leg. Attachment 13.

¹⁷ Attachments 38, 44.

¹⁸ Attachment 19.

offense. See e.g., People v. Coan, 2016 IL App (2d) 151036 (2016). Clear and Convincing can be defined as a "degree of proof, which, considering all the evidence in the case, produces the firm and abiding belief that it is highly probable that the proposition . . . is true." Id. at ¶ 28.

IV. ANALYSIS AND CONCLUSION



¹⁹ "The act of directing a subject to the ground to limit physical resistance, prevent escape, or increase the potential for controlling the subject." G03-02-01 IV.B.2.c(3).

²⁰ General Order G03-02-01 IV.B.2.

direction, or an active resister, as defined abo	ve.	1,7,6
Here and the officers agree on the ground. alleged an officer as and Officer and did not recall a force used was necessary and reasonable used would have been allowed to apply program, in an attempt to force compliance and neither officer admitted to applying pressure admitted to seeing the other officer apply statements or video to provide any further determine whether Officer or Officer or Officer arm and back.	pplied pressur whether they ander the circu- pressure to cer allow the office to such pressure detail. There	umstances. Here, Officer and and rtain areas, including 's back ficers to handcuff. However, arm and back, and neither officer to there were no independent witness afore, there is insufficient evidence to
COPA finds the allegation that Office black tote bag and its contents is Not Sustain officers will inventory all personal property accepted by lockup personnel. 21 with and 's items, but many Officer stated the scene was chaotic, the items that were recovered and processed. he recovered from the scene of Officer recovered and inventoried it there were no witness statements or video to that are alleged missing or whether Officer Therefore, there is insufficient exto inventory 's black tote	y in possessional items there were mere invented because the personal items there were mere mere identified determine were did not widence to det	on of the arrestee except those items items had been improperly inventoried as were missing and never inventoried. In the cannot recall all ficer was certain that any items intoried. Inventory Sheets documented as 's property. However, whether possessed the items it inventory all items he recovered from termine whether Officer failed
Approved:		
Deputy Chief Administrator – Chief Investig		ate
<u>A</u> p	pendix A	

the body to gain control of a passive resister, an individual who is not complying with verbal

²¹ Special Order S07-01-01 III.A.

Assigned Investigative Staff

Squad#:	
Investigator:	
Supervising Investigator:	
Deputy Chief Administrator:	